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RHEFDIA/DIA WASHDC PRIORITY
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RUEPGEA/CDR650THMIGP SHAPE BE PRIORITY
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TAGS: [PGOV](#) [PINR](#) [PREL](#) [EAID](#) [KV](#) [UNMIK](#)
SUBJECT: KOSOVO: EULEX DEPLOYMENT MOVES FORWARD, BUT
QUESTIONS ON THE NORTH REMAIN

Classified By: Ambassador Tina S. Kaidanow for Reasons 1.4 (b), (d).

11. (C) SUMMARY: Despite prior delays, EULEX is now proceeding with the operational aspects of deployment with reasonable efficiency and speed. On August 18, EULEX signed a Memorandum of Understanding (MOU) with UNMIK that expedites the transfer of physical assets to EULEX. EULEX expects contributors to sign participation agreements by September 2, and it will commence the buildup of its forces shortly thereafter. Absorbing 80-100 personnel per week, EULEX expects to have 2800 police, criminal justice and police staff in Kosovo by the end of November; its 1505 police officers will compare favorably with UNMIK's current strength of 1932, and EULEX plans to recruit an additional 400 officers who would be available to augment forces in the north if necessary. EULEX expects the transfer of authority from UNMIK to occur in December. We view these developments -- specifically the cooperation between EULEX and UNMIK on technical issues, as well as the planned staffing levels and deployment schedule -- as positive signs that the mission is moving forward. Less certain, despite repeated assertions by EULEX head of mission Yves de Kermabon, is that EULEX will deploy successfully Kosovo-wide. The prospect of UNMIK police operating in northern Kosovo and EULEX operating south of the Ibar would confirm the Kosovars' worst fears of partition, but UNMIK continues to fashion plans along these lines and there is suspicious silence from key European capitals and Brussels on whether they will act assertively to assure EULEX operation in the north if Belgrade continues to oppose such a deployment vociferously. END SUMMARY

EULEX finally moves forward on deployment

12. (C) EULEX tells us it expects participating states to approve its deployment plan on September 2. This will remove another roadblock to deployment and permit EULEX to grow by up to 100 personnel per week through the end of November. Easing this transition is the EULEX-UNMIK MOU signed August 18, which allows for the transfer of physical assets such as equipment, vehicles, and buildings. The MOU is a significant and positive step for EULEX, demonstrating improved coordination and cooperation with UNMIK, and it eliminates concern about the lack of facilities to house personnel as an impediment to deployment. UNMIK and EULEX have had extensive meetings to determine the disposition of assets. More detailed discussions to coordinate the transfer of equipment

are ongoing.

¶3. (C) EULEX currently has 88 police officers deployed throughout Kosovo, including three in Mitrovica, though the latter operate without fanfare or obvious identification. In September, EULEX will start deploying 1505 police officers throughout Kosovo, a task expected to take three months. Of the 1505 officers, roughly 400 or so comprise "formed police units," or forces designated to deal with crowd and riot control. (As a comparison, the current strength of UNMIK police is 1932, including its own formed police units.) EULEX is also recruiting an additional 400 regular officers designed to augment its presence in the north should this become necessary.

Pace of deployment increased

¶4. (U) EULEX is pursuing a rolling deployment and intends to have its full force of 2800 -- police, criminal justice, and local staff -- in place by the end of November, poised for a transfer of authority from UNMIK to EULEX in December. The pace of EULEX deployment is in fact quicker than earlier plans, and EUPT now tells us it will increase the rate even further from 80 to 100 officers per week.

¶5. (SBU) The total USG personnel commitment to EULEX is 80 police officers and a combination of 8 judges and/or prosecutors. Some of these personnel will be transferred from UNMIK and some will be new hires. INL, EUR/SCE and EUR/ACE are working with counterparts in Brussels to approve the participation agreement which will map out the roles and

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responsibilities of each party, but they have yet to reach agreement on privileges and immunities, a matter of some disagreement as well between EULEX and UNMIK. While the issue of privileges and immunities has been much debated in Brussels and EU capitals as a possible obstacle to deployment, EULEX chief de Kermabon told DCM on August 19 that EULEX will deploy with or without resolving the immunity question.

¶6. (C) COMMENT: There is finally a feeling that EULEX is moving forward on deployment despite the many problems it has encountered over the months -- indeed years -- of planning and discussion. Interlocutors on both the EU and UNMIK side tell us that cooperation between the two is good, that operational discussions are well underway, and that the pace and shape of deployment will ensure there are no gaps in supervisory authority over law enforcement and justice in Kosovo.

¶7. (C) Comment, cont. That said, the critical issue looms before us: Will EULEX make the attempt to begin operations in northern Kosovo, given mounting evidence that the Tadic government in Belgrade will not alter its position on the acceptability of EULEX's presence? EULEX chief de Kermabon makes all the right noises in public, but he has acknowledged on numerous occasions to the Ambassador that neither Brussels nor key EU capitals are likely to support the insertion of EULEX in the north under conditions of conflict or confrontation. While EULEX is a major European ESDP undertaking, it is not apparent that European capitals are using their full leverage with the Belgrade regime to insist that Tadic and his foreign minister take a new approach on EULEX. Some in Europe may wish at all costs to avoid conflict with Serb hardliners in the north, insufficiently estimating the negative response this could provoke on the ethnic Albanian side. There is still time for the Europeans to intensify their pressure on Belgrade regarding EULEX, and we can encourage them to do so. Without it, the visual divide between UNMIK operating in the north -- plans for which are now well-advanced in New York and locally -- and EULEX operating in the south will begin to convince the Kosovars that partition is a real and growing possibility. End comment.

